

REMARKS

The examiner's allowance of claims 10-11 is acknowledged.

The examiner has rejected independent claim 1 under 35 USC 103(a) as being unpatentable over Groenke in view of Halperin. Particularly in view of the amendment made to claim 1, the examiner is urged to reconsider and withdraw the rejection.

The examiner continues to assert that claim 1 covers something that applicant did not intend. The examiner's position is that the reference in the claim to a "manually operable control mechanically connected with and in the vicinity of at least one of the first and second electrodes" is met by a force sensor or an accelerometer being used to measure movement of the chest. The way the examiner sees it, the forces applied to the patient's chest during CPR by the rescuer's hands are what produce an electrical output at the force sensor or accelerometer, and this meets the claim language, "the manually operable control being operable by movements of the rescuer's hand or fingers." In short, the examiner sees the force sensor or accelerometer as a manually operable control that is operable by movements of the rescuer's hand or fingers.

As we have indicated in earlier communications, we do not agree with the examiner's reading of the claim, and we reserve the right to pursue claims of the original breadth. But to expedite prosecution of this application, applicant has amended claim 1 to explicitly indicate that the "manually operable control [is] other than a force sensor, and other than an accelerometer". With this amendment, it is abundantly clear that neither Groenke nor Halperin come anywhere close to disclosing the invention of claim 1. Neither shows a manually operable control other than a force sensor and other than an accelerometer positioned in the vicinity of the electrodes.

Accordingly, claim 1 is in condition for allowance.

The remaining claims are either allowed or are properly dependent on claim 1, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Applicant : Gary A. Freeman
Serial No. : 10/804,312
Filed : March 18, 2004
Page : 6 of 6

Attorney's Docket No.: 04644-097002

Upon reviewing the file, applicant notes that they have not received initialed copies of the enclosed PTO Forms 1449 and 892 that accompanied an information disclosure statement filed June 10, 2004. Applicant's records show that this information disclosure statement complied with 37 CFR 1.97. Thus, we respectfully request that the examiner initial and return these forms as soon as possible.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

9/14/07



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Notice of References Cited

Application/Control No.

09/794,320

Applicant(s)/Patent Under

Reexamination

FREEMAN, GARY A.

Examiner

Kristen L Droesch

Art Unit

3762

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,390,996	05-2002	Halperin et al.	601/41
	B	US-6,224,562	05-2001	Lurie et al.	601/41
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Substitute Form PTO-1449 (Modified) Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 04644-097001	Application No. 09/794,320
	Applicant Gary A. Freeman		
	Filing Date February 27, 2001	Group Art Unit 3762	

U.S. Patent Documents							
Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	6351671	02/26/02	Myklebust et al.	607	5	
	AB	6306107	10/23/01	Myklebust et al.	600	587	
	AC						
	AD						

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AE	WO 02/15836	02/28/02	PCT				
	AF	WO 99/25306	05/27/99	PCT				
	AG							
	AH							
	AI							

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	AJ	Aase et al., "Compression Depth Estimation for CPR Quality Assessment Using DSP on Accelerometer Signals," IEEE Transactions on Biomedical Engineering, Vol. 49, No. 3, March 2002
	AK	Gruben et al., "System for Mechanical Measurements During Cardiopulmonary Resuscitation in Humans," IEEE Transactions on Biomedical Engineering, Vol. 37, No. 2, February 1990
	AL	
	AM	

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Notice of References Cited

Application/Control No.

09/794,320

Applicant(s)/Patent Under
Reexamination
FREEMAN, GARY A.

Examiner

Kristen L Droesch

Art. Unit

3762

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
*	A	US-6,125,299	09-2000	Groenke et al.	607	6
*	B	US-5,662,690	09-1997	Cole et al.	607	5
*	C	US-4,586,383	05-1986	Parker	434	265
*	D	US-4,610,254	09-1986	Morgan et al.	128	419D
*	E	US-5,511,553	04-1996	Segalowitz	128	696
*	F	US-4083138	05-1978	Diack et al	128	419D
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

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	N						
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	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(e).)
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Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Gary A. Freeman	
		Filing Date February 27, 2001	Group Art Unit 3762

U.S. Patent Documents							
Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	6178357	01/23/01	Gliner et al.	607	142	
	AB	6125299	09/26/00	Groenke et al.	607	6	
	AC	5735879	04/07/98	Gliner et al.	607	7	
	AD	5700281	12/23/97	Brewer et al.	607	5	
	AE	5662690	09/02/97	Cole et al.	607	5	
	AF	5645571	07/08/97	Olson et al.	607	5	
	AG	5619265	04/08/97	Suzuki et al.	348	362	
	AH	5617853	04/08/97	Morgan	128	640	
	AI	5611815	03/18/97	Cole et al.	607	5	
	AJ	5591213	01/07/97	Morgan	607	5	
	AK	5562710	10/08/96	Olsen et al.	607	5	
	AL	5511553	04/30/96	Segalowitz	128	696	
	AM	5474574	12/12/95	Payne et al.	607	7	
	AN	5466244	11/14/95	Morgan	607	5	
	AO	5391187	02/21/95	Freeman	607	5	
	AP	5285792	02/15/94	Sjoquist et al.	128	697	
	AQ	5247945	09/28/93	Heinze et al.	607	129	
	AR	4619265	10/28/86	Morgan et al.	128	419 D	
	AS	4610254	09/09/86	Morgan et al.	128	419 D	
	AT	4588383	05/13/86	Parker et al.	434	265	
	AU	4088138	05/09/78	Diack et al.	128	419 D	
	AV	RE 34800	11/29/94	Hutchins	128	898	
	AW	RE 30372	08/19/80	Mirowski et al.	128	49 D	

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AX	9713343.8	06/24/97	Great Britain				

Examiner Signature	Date Considered
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Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR 51.98(b))		Applicant Gary A. Freeman	
		Filing Date February 27, 2001	Group Art Unit 3762

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							Yes	No
	AY	99/24114	05/30/99	PCT				
	AZ	98/30282	07/16/98	PCT				
	AAA							
	ABB							

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	ACC	American Red Cross--Adult CPR/AED Training--Workplace Programs, http://www.redcross.org/hss/cpraed.html , printed from Internet 05/14/99
	ADD	Force Sensing Resistors - An Overview of the Technology, FSR Integration Guide & Evaluation Parts Catalog with Suggested Electrical Interfaces (no date)
	AEE	Heartstream - The Background Behind Our Technology, http://www.heartstream.com/techbk.htm , printed from Internet 06/25/99
	AFF	Flewelling, Nellcor Incorporated, Noninvasive Optical Monitoring, Chap. 88, pp. 1346-1353. CRC Press, Inc., 1995

Examiner Signature	Date Considered
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